

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

<p>PHILLIP MOROSE,</p> <p style="padding-left: 40px;">Petitioner,</p> <p>v.</p> <p>FCI BERLIN WARDEN,</p> <p style="padding-left: 40px;">Respondent.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil No. 24-cv-12217-ADB</p>
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ORDER

BURROUGHS, D.J.

Petitioner Phillip Morose (“Morose”) is a federal inmate in custody at the Federal Correctional Institution in Berlin, New Hampshire (“FCI-Berlin”). Morose filed an application for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the calculation of his sentence by the federal Bureau of Prisons. Dkt. No. 1. Although the application contains the docket number for his criminal case, *see United States v. Morose*, CR No. 18-cr-10242-NMG, the clerk assigned a new civil action number for this habeas matter. Morose did not pay the \$5.00 filing fee nor file a motion for leave to proceed *in forma pauperis*.

This action was initially assigned to a magistrate judge pursuant to the District Court’s Program for Random Assignment of Civil Cases to Magistrate Judges. Dkt. No. 2. The magistrate judge ordered the reassignment of this case to a district judge. Dkt. No. 3. The magistrate judge’s order explained that because Morose is not in custody within the District of Massachusetts, the court is without jurisdiction to adjudicate this case. *Id.* The case was reassigned to the undersigned. Dkt. No. 4.

When a district court lacks jurisdiction, it may, in the interest of justice, order the case to be transferred to another court that would have jurisdiction. 28 U.S.C. § 1631. Because Morose presents a colorable claim for habeas relief, the Court finds that it is in the interest of justice to transfer the action to the district of his confinement.

Accordingly, the Clerk shall transfer this action to the United States District Court for the District of New Hampshire. This case shall then be closed on the docket of this court.

SO ORDERED.

August 29, 2024

/s/ Allison D. Burroughs
ALLISON D. BURROUGHS
U.S. DISTRICT JUDGE